

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Gosselin *et al.* Confirmation No.: 9603
Application No.: 09/371,747 Art Unit: 1623
Filed: August 10, 1999
Patent No.: 6,395,716 Examiner: Crane, Lawrence E
Issued: May 28, 2002
For: β -L-2'-DEOXYNUCLEOSIDES FOR ATTORNEY DOCKET No.: 11874-005-999
TREATMENT OF HEPATITIS B

**ELECTION OF APPLICATION FOR EXTENSION OF PATENT TERM
UNDER 35 U.S.C. §156 AND PURSUANT TO 37 C.F.R. § 1.785(b)**

Mail Stop Hatch-Waxman PTE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This response is submitted in reply to the Notice of Final Determination and Requirement for Election mailed March 23, 2009, for which a response is due on April 23, 2009. Thus, this response is timely filed. Pursuant to 37 C.F.R. § 1.785(b), Patentee hereby elects the Patent Term Extension in U.S. Patent No. 6,569,837 (Attorney Docket No. 11874-030-999), *i.e.*, Patentee does **not** elect the above-referenced U.S. Patent No. 6,395,716.

No fee is believed to be due in connection with this submission. However, if any fee is required, please change the amount of any such fee to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

Date: April 17, 2009


Rahul Pathak 42,983
(Reg. No.)

JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939